

**UNITED STATES OF AMERICA  
BEFORE THE FEDERAL TRADE COMMISSION  
OFFICE OF THE ADMINISTRATIVE LAW JUDGES**

<p><b>In the Matter of</b></p> <p><b>IQVIA Holdings Inc.,</b> <b>a corporation,</b></p> <p><b>and</b></p> <p><b>Propel Media, Inc.,</b> <b>a corporation.</b></p>	<p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p>	<p><b>DOCKET NO. 9416</b></p> <p><b>PUBLIC</b></p>
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**JOINT MOTION TO RESCHEDULE PREHEARING  
CONFERENCE**

Complaint Counsel and Respondents IQVIA Holdings Inc. and Propel Media, Inc. jointly move to reschedule the prehearing conference from the current scheduled date of December 19, 2023 to January 17, 2024, at 1:00 p.m. Extending the date in this fashion will keep the pre-hearing conference aligned with the scheduled Part 3 trial schedule, in light of the Commission’s recent order continuing trial proceedings until January 18, 2024, and is consistent with guidance from the Chief Administrative Law Judge.

In light of pending federal court proceedings, *see FTC v. IQVIA Holdings Inc.*, No. 1:23-cv-06188-ER (S.D.N.Y. 2023), the parties jointly moved on December 12, 2023, to continue the commencement of the administrative hearing from December 20, 2023 to January 18, 2024. *See Exhibit A.* On December 14, 2023, the Commission granted this motion, and ordered that the evidentiary hearing commence at 10:00 am on January 18, 2024. *See Exhibit B.* The Commission stated that any request to reschedule the pre-hearing conference was “best addressed to the Chief Administrative Law Judge.” On December 15, 2023, the Chief Administrative Law Judge informed the parties that he was willing to reschedule the prehearing conference to January 17,

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2024, at 1:00 pm, provided the parties “file a motion, preferably joint, that requests this rescheduling as soon as practicable.”

Accordingly, the parties respectfully request that the prehearing conference be rescheduled to January 17, 2024 at 1:00 pm. Rescheduling the conference until January 17 will keep the prehearing conference aligned with the revised schedule for trial proceedings, and will avoid any unnecessary waste or confusion associated with holding a prehearing conference well in advance of the scheduled trial testimony and associated pretrial deadlines. As the Chief Administrative Judge previously noted, the prehearing conference currently scheduled for December 19 would only cover those topics “that cannot reasonably be deferred until the January 18, 2024 commencement of trial testimony.” Rescheduling the prehearing conference to January 17 would allow the parties to fully address any topics that may arise at trial.

Dated: December 15, 2023

Respectfully submitted,

/s/ Chantale Fiebig

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UNITED STATES OF AMERICA  
BEFORE THE FEDERAL TRADE COMMISSION  
OFFICE OF THE ADMINISTRATIVE LAW JUDGES

In the Matter of	)	
	)	
	)	
IQVIA Holdings Inc.,	)	
a corporation,	)	DOCKET NO. 9416
	)	
and	)	PUBLIC
	)	
Propel Media, Inc.,	)	
a corporation.	)	

**[Proposed] Order Rescheduling Prehearing Conference**

Having considered the joint motion to reschedule the prehearing conference until January 17, 2024 at 1:00 p.m., the motion is hereby GRANTED.

ORDERED:

\_\_\_\_\_

D. Michael Chappell  
Chief Administrative Law Judge

Date: \_\_\_\_\_, 2023

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**CERTIFICATE OF SERVICE**

I hereby certify that, on December 15, 2023, I caused the foregoing document to be electronically filed with the Secretary of the Commission using the Federal Trade Commission's e-filing system, causing the document to be served on all of the following registered participants:

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The Honorable D. Michael Chappell  
Administrative Law Judge  
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**CERTIFICATE FOR ELECTRONIC FILING**

I certify that the electronic copy sent to the Secretary of the Commission is a true and correct copy of the original filing, and that I possess a paper original of the signed document that is available for review by the parties and the adjudicator.

/s/ Chantale Fiebig

Chantale Fiebig



# EXHIBIT A

**UNITED STATES OF AMERICA  
BEFORE THE FEDERAL TRADE COMMISSION**

**COMMISSIONERS:**      **Lina M. Khan, Chair**  
                                  **Rebecca Kelly Slaughter**  
                                  **Alvaro M. Bedoya**

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<b>In the Matter of</b>	)	
	)	
<b>IQVIA Holdings Inc.,</b>	)	
<b>a corporation,</b>	)	<b>DOCKET NO. 9416</b>
	)	
<b>and</b>	)	<b>PUBLIC</b>
	)	
<b>Propel Media, Inc.,</b>	)	
<b>a corporation.</b>	)	

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**JOINT EXPEDITED MOTION FOR CONTINUANCE OF  
EVIDENTIARY HEARING AND PRE-HEARING CONFERENCE**

Pursuant to FTC Rule 3.41, Complaint Counsel and Respondents IQVIA Holdings Inc. and Propel Media, Inc. jointly move to continue the commencement of the administrative hearing currently scheduled to begin on December 20, 2023 to January 18, 2024 in the above-captioned matter—after a decision is expected on the FTC’s request for a preliminary injunction in the parallel federal court proceeding. The Parties also jointly move to continue the pre-hearing conference currently scheduled for December 19, 2023 to January 17, 2024. The Parties agree that a brief continuance will not unduly delay resolution of the proceedings in this matter. The Commission has routinely granted continuances under circumstances such as these, and there is good cause for it to do so here.

## BACKGROUND

On July 17, 2023, the FTC filed a Complaint for a Temporary Restraining Order and Preliminary Injunction in the United States District Court for the Southern District of New York pursuant to Section 13(b) of the Federal Trade Commission Act. *See FTC v. IQVIA Holdings Inc.*, No. 1:23-cv-06188-ER, ECF No. 1 (S.D.N.Y. 2023). The district court held an evidentiary hearing on the FTC's preliminary injunction request from November 20 to December 1, 2023, held closing arguments on December 8, and informed the Parties that they could expect a decision by December 29, 2023. The court has also entered a temporary restraining order preventing the consummation of the proposed acquisition until after December 29, 2023 or the third business day after the district court issues its decision on the FTC's preliminary injunction, whichever occurs earlier. *Id.*, ECF No. 154.

Complaint Counsel filed the complaint in this action on July 17, 2023, and the evidentiary hearing is scheduled to begin with opening arguments on December 20, 2023 and a pre-hearing conference on December 19, 2023. However, Judge Chappell has ordered that proceedings be recessed until January 18, 2024, and has extended the deadlines in this case to correspond with that recess.

## DISCUSSION

FTC Rule 3.41(b) authorizes the Commission to “order a later date for the evidentiary hearing” for good cause. The Commission has routinely concluded that good cause exists in similar circumstances. *See In re Hackensack Meridian Health, Inc.*, 2021 WL 2379546, at \*2, Dkt. 9399 (F.T.C. May 25, 2021); *see also In re Thomas Jefferson Univ.*, Dkt. 9392, 2020 WL 7237952, at \*2 (F.T.C. Nov. 6, 2020) (60-day continuance); *In re RAG-Strifung*, Dkt. 9384, 2020 WL 91294, at \*2–3 (F.T.C. Jan. 2, 2020) (49-day continuance); *In re Sanford Health*, Dkt. 9376,

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2017 WL 6604532, at \*1–2 (F.T.C. Dec. 21, 2017) (continuance until 21 days after federal appellate court decision); *In re The Penn State Hershey Med. Ctr.*, Docket No. 9368, 2016 WL 3345405, at \*1 (F.T.C. June 10, 2016) (similar); *In re Advocate Health Care Network*, Docket No. 9369, 2016 WL 3182774, at \*2 (F.T.C. June 2, 2016) (26-day continuance).

Under these well-reasoned decisions, good cause supports issuing a continuance here. Opening statements in the Part 3 evidentiary hearing are scheduled to occur less than two weeks before a decision is expected on the FTC’s preliminary injunction request. If the federal district court’s decision does not obviate the need for this administrative proceeding, continuing the evidentiary hearing until January 18, 2024 will not unduly delay resolution of this matter. Indeed, as the Commission has recognized, “a short delay in the start of the administrative hearing w[ill] not harm the Commission or the public interest should it be necessary for the administrative adjudication to go forward.” Order Granting Continuance at 2, *In re Advocate Health Care Network*, D09369 (F.T.C. May 6, 2016). This is particularly true here, because this Part 3 proceeding and the preliminary injunction proceedings in federal court have been proceeding in parallel for months—though there is still at least one deposition still to be conducted—fact discovery in Part 3 is largely complete, expert reports have been served, and the Parties are engaged in final pre-trial preparation for the hearing. The Parties will thus be ready to try this case before Judge Chappell upon the expiration of the continuance.

Finally, the Parties request that consideration of this motion be expedited given that opening statements are scheduled to occur on December 20.

**RELIEF REQUESTED**

For these reasons, the Parties respectfully request that the Commission grant this motion.

Dated: December 12, 2023

Respectfully submitted,

/s/ Chantale Fiebig

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**UNITED STATES OF AMERICA  
BEFORE THE FEDERAL TRADE COMMISSION**

**COMMISSIONERS:      Lina M. Khan, Chair  
                                 Rebecca Kelly Slaughter  
                                 Alvaro M. Bedoya**

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<b>In the Matter of</b>	)	
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<b>IQVIA Holdings Inc.,</b>	)	
<b>a corporation,</b>	)	<b>DOCKET NO. 9416</b>
	)	
<b>and</b>	)	<b>PUBLIC</b>
	)	
<b>Propel Media, Inc.,</b>	)	
<b>a corporation.</b>	)	

**[Proposed] Order Granting the Joint Expedited Motion for a Continuance**

Having considered the Parties’ joint expedited motion for a continuance of the commencement of the administrative hearing currently scheduled to begin on December 20, 2023 and the pre-hearing conference currently scheduled for December 19, 2023, the motion is hereby GRANTED. The administrative hearing shall begin on January 18, 2024, and the pre-hearing conference shall be held on January 17, 2024.

By the Commission.

ISSUED:

\_\_\_\_\_  
April J. Tabor  
Secretary

Date: \_\_\_\_\_, 2023

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## CERTIFICATE OF SERVICE

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The Honorable D. Michael Chappell  
Administrative Law Judge  
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**CERTIFICATE FOR ELECTRONIC FILING**

I certify that the electronic copy sent to the Secretary of the Commission is a true and correct copy of the original filing, and that I possess a paper original of the signed document that is available for review by the parties and the adjudicator.

*/s/ Chantale Fiebig*  
\_\_\_\_\_

Chantale Fiebig

# EXHIBIT B

PUBLIC

**UNITED STATES OF AMERICA  
BEFORE THE FEDERAL TRADE COMMISSION**

**COMMISSIONERS:**      **Lina M. Khan, Chair**  
                                  **Rebecca Kelly Slaughter**  
                                  **Alvaro M. Bedoya**

**In the Matter of**

**IQVIA Holdings Inc.,  
a corporation,**

**and**

**Propel Media, Inc.,  
a corporation.**

**DOCKET NO. 9416**

**ORDER GRANTING CONTINUANCE**

On July 17, 2023, the Commission issued an administrative complaint alleging that Respondents IQVIA Holdings Inc. (“IQVIA”) and Propel Media, Inc. (“Propel”) have executed an acquisition agreement pursuant to which IQVIA would acquire substantially all the assets of Propel (the “Proposed Acquisition”) in violation of Section 5 of the FTC Act, 15 U.S.C. § 45, and which, if consummated, would violate Section 7 of the Clayton Act, 15 U.S.C. § 18, and Section 5 of the FTC Act. Compl. at p. 1. At the same time, the FTC filed a Complaint for a Temporary Restraining Order and Preliminary Injunction in the United States District Court for the Southern District of New York pursuant to Section 13(b) of the FTC Act. *See FTC v. IQVIA Holdings Inc.*, No. 1:23-cv-06188-ER, ECF No. 1 (S.D.N.Y. 2023).

The district court held an evidentiary hearing on the FTC’s preliminary injunction request from November 20 to December 1, 2023, with closing arguments on December 8, 2023, and informed the parties that they could expect a decision by December 29, 2023. Joint Expedited Mot. for Continuance of Evidentiary Hearing and Pre-Hearing Conference at 2 (“Joint Motion”). The evidentiary hearing in this administrative proceeding is scheduled to begin with opening arguments on December 20, 2023, and testimony is scheduled to commence on January 18, 2024.

On December 12, 2023, the parties filed their Joint Motion, in which they argue that even if the court’s decision does not obviate this proceeding, continuing this proceeding until January 18 will not cause undue delay: the court and administrative proceedings have occurred in

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parallel, with fact discovery in this administrative proceeding largely complete, expert reports having been served, and the parties currently engaged in final pretrial proceedings. *Id.* Accordingly, the parties jointly move to continue the commencement of the evidentiary hearing until January 18, 2024.

Commission Rule 3.41(f) provides, in relevant part, that a pending “collateral federal court action that relates to the administrative adjudication shall not stay the proceeding [u]nless a court of competent jurisdiction, or the Commission for good cause, so directs.” 16 C.F.R. § 3.41(f). This provision reflects the Commission’s commitment to move forward as expeditiously as possible with its administrative hearings. *See, e.g.*, 16 C.F.R. §§ 3.1, 3.11(b)(4), 3.41(b). Yet, Rule 3.41(b) authorizes the Commission to delay a hearing date upon a showing of good cause. 16 C.F.R. § 3.41(b). Under the circumstances presented, we find good cause exists for the modest delay requested.<sup>1</sup>

Accordingly,

**IT IS HEREBY ORDERED THAT** the parties’ Joint Expedited Motion for Continuance of Evidentiary Hearing and Pre-Hearing Conference is **GRANTED IN PART** and that the evidentiary hearing in this proceeding shall commence at 10:00 a.m. on January 18, 2024; and

**IT IS HEREBY FURTHER ORDERED THAT** public access to the evidentiary hearing in this proceeding, to the extent consistent with the protection of confidential information and for monitoring purposes only, will be provided via telephone or live web streaming.

By the Commission.

Joel Christie  
Acting Secretary



SEAL:  
ISSUED: 12/14/2023

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<sup>1</sup> The Joint Motion also requests that the pre-hearing conference, currently scheduled for December 19, 2023, be moved to January 17, 2024. That request raises issues best addressed to the Chief Administrative Law Judge.